

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Robert L. Simmons,

Plaintiff(s)

vs.

Mr. James Dailey, Jailer

Defendant(s)

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case Number: 1:20cv810

Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on October 29, 2020 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 12, 2020, hereby ADOPTS said Report and Recommendation.

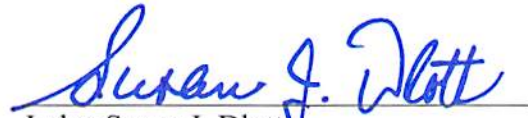
Accordingly, this case is DISMISSED with prejudice for failure to state any claim under 28 U.S.C. §1915(e)(2).

Plaintiff is warned that if he files any additional lawsuits that are deemed to be frivolous or duplicative, his litigation practice may be deemed to be vexatious, with the possibility that pre-filing restrictions will be imposed prior to permitting him to file new lawsuits.

The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith. Plaintiff is therefore, DENIED leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F. 3d 800, 803 (6<sup>th</sup> Cir. 1999), overruling

in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

  
\_\_\_\_\_  
Judge Susan J. Dlott  
United States District Court